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SENATE BILL 220

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Stuart Ingle

FOR THE CAPITOL BUILDINGS PLANNING COMMISSION

AN ACT

RELATING TO STATE FACILITIES; PROVIDING ADDITIONAL DUTIES FOR
THE CAPITOL BUILDINGS PLANNING COMMISSION; AUTHORIZING CERTAIN
DESIGNEES TO SERVE ON THE COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 15-10-1 NMSA 1978 (being Laws 1997,
Chapter 178, Section 5, as amended) is amended to read:

"15-10-1. CAPITOL BUILDINGS PLANNING COMMISSION

CREATED.--

A. The "capitol buildings planning commission" is
created. ~~[to study and plan for the long-range facilities
needs of state government in the greater metropolitan areas of
Las Cruces, Santa Fe and Albuquerque. The commission shall
review prior long-range facilities needs assessments and
develop an initial master plan for the state facilities in the~~

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1 ~~greater metropolitan areas of Las Cruces, Santa Fe and~~
2 ~~Albuquerque. After development of the initial master plan, the~~
3 ~~commission shall conduct a review of state properties~~
4 ~~throughout the state for the development of an overall master~~
5 ~~plan.~~ B.] The commission shall be composed of four members of
6 the legislature, two from each house, appointed by the New
7 Mexico legislative council, the secretary of general services
8 or the secretary's designee, the state treasurer or the state
9 treasurer's designee, the secretary of transportation or the
10 secretary's designee, the secretary of cultural affairs or the
11 secretary's designee, the secretary of finance and
12 administration or the secretary's designee, the commissioner of
13 public lands or the commissioner's designee and the chair of
14 the supreme court building commission or the chair's designee.

15 B. The commission shall:

16 (1) study and plan for the long-range
17 facilities needs of state government in the greater
18 metropolitan areas of Las Cruces, Santa Fe and Albuquerque
19 and, after developing an initial master plan for the state
20 facilities in those areas, conduct a review of state properties
21 throughout the state for the development of an overall master
22 plan;

23 (2) review proposed lease-purchase agreements
24 pursuant to Section 15-10-2 NMSA 1978;

25 (3) work with the general services department

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1 and other state agencies in developing recommendations for
2 addressing deferred maintenance on state facilities and
3 disposal strategies for aging facilities no longer able to
4 serve their mission; and

5 (4) utilizing life cycle costing, work with
6 the general services department in developing recommendations
7 regarding whether the state should lease, lease-purchase or
8 purchase needed additional facilities.

9 C. The legislative council service shall provide
10 staff for the commission in coordination with the staff
11 architect and other staff of the property control division of
12 the general services department.

13 D. The commission shall meet regularly and shall
14 report annually to the legislature on an annual update of the
15 master plan for the long-range facilities needs of state
16 government in the greater metropolitan areas of Las Cruces,
17 Santa Fe and Albuquerque and throughout the state."

18 Section 2. A new Section 15-10-2 NMSA 1978 is enacted to
19 read:

20 "15-10-2. [NEW MATERIAL] CAPITOL BUILDINGS PLANNING
21 COMMISSION--REVIEW OF LEASE-PURCHASE AGREEMENTS.--

22 A. Before submitting a proposed lease-purchase
23 agreement to the legislature for ratification and approval
24 pursuant to Section 15-3-35 NMSA 1978, the proposed lessee
25 shall notify the commission. The commission shall review a

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1 proposed lease-purchase agreement if:

2 (1) the total lease revenues to be generated
3 during the term of the lease-purchase agreement, including any
4 possible extensions or renewals, exceed five million dollars
5 (\$5,000,000); or

6 (2) pursuant to criteria adopted by the
7 commission, the commission selects the lease-purchase agreement
8 for review.

9 B. A review conducted pursuant to this section
10 shall include findings by the commission as to whether:

11 (1) the leasehold property and the term of the
12 lease-purchase agreement are sufficient to meet the identified
13 needs of the state agency that will occupy the leasehold
14 property;

15 (2) the payment of all lease revenues due
16 pursuant to a lease-purchase agreement will be sufficient, at
17 the end of the term of the lease-purchase agreement, to acquire
18 ownership of the leasehold property;

19 (3) the lease-purchase agreement provides that
20 there is no legal obligation for the state or state agency to
21 continue the lease-purchase agreement from year to year or to
22 purchase the leasehold property, and that the lease-purchase
23 agreement shall be terminated if sufficient appropriations are
24 not available to meet the current lease payments; and

25 (4) the lease-purchase agreement is the most

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1 cost-effective alternative for acquiring the leasehold
2 property, taking into account currently available alternative
3 lease arrangements, lease-purchase agreements or other
4 financing arrangements permitted by law.

5 C. After a review pursuant to this section, the
6 commission shall submit its findings and recommendations to the
7 legislature.

8 D. As used in this section:

9 (1) "commission" means the capitol buildings
10 planning commission;

11 (2) "facilities" means buildings and the
12 appurtenances and improvements associated therewith, including
13 the real estate upon which a building is constructed; suitable
14 parking for use of the building; utilities, access roads and
15 other infrastructure; and related real estate. "Facilities"
16 can also mean undeveloped or developed real estate that is
17 transferred or leased with the intent that a new building or
18 improvement be constructed thereon;

19 (3) "lease-purchase agreement" means a
20 financing agreement for the leasing of facilities by the state
21 or a state agency from a public or private entity with an
22 option to purchase the leasehold property for a price that is
23 reduced according to the payments made pursuant to the
24 financing agreement;

25 (4) "leasehold property" means facilities that

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1 are subject to a lease-purchase agreement;

2 (5) "lease revenues" means the amounts payable
3 pursuant to a lease-purchase agreement; and

4 (6) "state agency" means any department,
5 branch, institution, board, officer, bureau, instrumentality,
6 commission, district or committee of government of the state of
7 New Mexico except:

8 (a) the state armory board;

9 (b) the commissioner of public lands;

10 (c) state institutions under the
11 jurisdiction of the higher education department;

12 (d) the economic development department
13 when the department is acquiring property pursuant to the
14 Statewide Economic Development Finance Act;

15 (e) the public school facilities
16 authority when the authority is acquiring property pursuant to
17 the Public School Capital Outlay Act; and

18 (f) a state-chartered charter school."

19 Section 3. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2009.

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